



**DRUG ENFORCEMENT ADMINISTRATION, CITY OF CORPUS CHRISTI POLICE DEPARTMENT, CITY OF CORPUS CHRISTI, and SEVEN OR MORE UNKNOWN NAMED AGENTS, MARSHALS, OR OFFICERS OF UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE, DRUG ENFORCEMENT ADMINISTRATION, CITY OF CORPUS CHRISTI POLICE DEPARTMENT AND/OR CITY OF CORPUS CHRISTI.**

**1. NATURE OF THE CASE, FACTS, ALLEGATIONS and CLAIMS**

1.1 The Plaintiffs bring alternative claims/causes of action for injuries and damages sustained by them as a result of the conduct of one or more of the Defendant's. On or about March 28, 2020 **Plaintiff JOE GONZALES** was working as a licensed plumber at a rent house, located at 2730 Kitchens St., Corpus Christi, Nueces County, Texas 78405. Plaintiff was at said house at the request of the landlord and he did not know the tenants. **Plaintiff JOE GONZALES'** regular work van was parked outside as he worked inside the house.

1.2 While **Plaintiff JOE GONZALES** was working inside the rent house, representatives under color of authority of the United States, USDOJ, USDEA, USMS, City of Corpus Christi Police Department and/or City of Corpus Christi, conducted a "raid" of the house. During such raid **Plaintiff JOE GONZALES** was taken under the control of one or more of the Defendants and was detained outside the house.

1.3 While in the hands of one or more of the Defendants, **Plaintiff JOE GONZALES** sustained serious injuries including but not limited to his head, neck and arm.

1.4 The stated governments and governmental agencies and/or departments have knowledge of the identities of the individuals from their respective entities, agencies that were at the location in question on the date and time in question.

1.5 Although upon coming to the attention of one or more of the Defendants, **Plaintiff JOE GONZALES** identified himself as the plumber working on the plumbing, as previously stated he was brought outside under supervision. He was handcuffed, restrained and excessive force was used against him by the actions or inactions of one or more of the Defendants which proximately caused him injuries including but not limited to his head, neck and arm and damages in excess of the minimum jurisdictional limits of this Court.

1.6 **Plaintiff JOE GONZALES** was ultimately released at the scene of the incident with no charges filed against him and he later that day sought medical care.

1.7 **Plaintiff DIANE C. GONZALES**, as a proximate result of the injuries sustained by her husband **Plaintiff JOE GONZALES** on the occasion in question, has sustained damages by way of loss of consortium in an amount within the jurisdictional limits of this Court.

1.8 The Plaintiffs' claims are brought pursuant to the Federal Tort Claims Act, in the alternative as a "Bivens" claims for civil rights violations by persons acting under color of federal authority, in the alternative as 42 USC §1983 claims for civil rights violations for individual or entity conduct under state authority, under color of state authority and/or as Monell claims. **Plaintiff JOE GONZALES'** and **Plaintiff DIANE C. GONZALES'** injuries and damages were proximately caused in whole or in part by the conduct of one or more Defendant, including the failure to act and/or to implement policies or enforce policies to prevent or minimize the types of injuries **Plaintiff JOE GONZALES**.

1.9 The Defendants by and through their conduct including acts of omission and/or commission proximately caused bodily injuries and damages to the **Plaintiff JOE GONZALES** on the occasion in question in an amount within the jurisdictional limits of this Court.

1.8 The injuries sustained by **Plaintiff JOE GONZALES** while under the control of one or more of the Defendants has caused the **Plaintiff DIANE C. GONZALES** to sustain a loss of consortium of her husband, **Plaintiff JOE GONZALES** in an amount within the jurisdictional limits of this Court.

## **2. PARTIES**

2.1 **Plaintiff JOE GONZALES** is a resident of Corpus Christi, Nueces County, Texas.

2.2 **Plaintiff DIANE C. GONZALES** is a resident of Corpus Christi, Nueces County, Texas.

2.3 **Defendant UNITED STATES OF AMERICA** is a governmental entity and may be served may be served with citation pursuant to **Fed. R. Civ. P. 4(i)(1)(A)(1) and (B)** by:

2.3.1 Delivering a copy of the summons and the complaint on U.S. Attorney Jennifer Lowery at U.S. Attorney's Office Southern District of Texas 1000 Louisiana, Ste. 2300, Houston, Travis County, Texas, 77002.

### **AND**

2.3.2 Sending a copy of each by registered or certified mail to Attorney General Merrick B. Garland, U.S. Department of Justice 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

2.3.3 **PURSUANT TO RULE 4(d) FRCP, "NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS" is being sent to the Defendant.**

2.4 **Defendant UNITED STATES DEPARTMENT OF JUSTICE** is a governmental agency and may be served with citation pursuant to **Fed. R. Civ. P. 4(i)(2)** by:

2.4.1 Delivering a copy of the summons and the complaint on U.S. Attorney Jennifer Lowery at U.S. Attorney's Office Southern District of Texas 1000 Louisiana, Ste. 2300, Houston, Travis County, Texas, 77002.

**AND**

2.4.2 Sending a copy of each by registered or certified mail to Attorney General Merrick B. Garland, U.S. Department of Justice 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

**AND**

2.4.3 Sending a copy of the summons and complaint by registered or certified mail to The United States Department of Justice, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

2.4.4 **PURSUANT TO RULE 4(d) FRCP, “NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS” is being sent to the Defendant.**

2.5 **Defendant UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES MARSHALS SERVICE** is a governmental agency and may be served with citation pursuant to **Fed. R. Civ. P. 4(i)(2)** by:

2.5.1 Delivering a copy of the summons and the complaint on U.S. Attorney Jennifer Lowery at U.S. Attorney's Office Southern District of Texas 1000 Louisiana, Ste. 2300, Houston, Travis County, Texas, 77002.

**AND**

2.5.2 Sending a copy of each by registered or certified mail to Attorney General Merrick B. Garland, U.S. Department of Justice 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

**AND**

2.5.3 Sending a copy of the summons and complaint by registered or certified mail to

The United States Department of Justice United States Marshals Service, 1215 S. Clark St., Arlington, VA 22202.

**2.5.4 PURSUANT TO RULE 4(d) FRCP, “NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS” is being sent to the Defendant.**

**2.6 Defendant UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION** is a governmental agency and may be served with citation pursuant to **Fed. R. Civ. P. 4(i)(A)(1) and (B)** by:

2.6.1 Delivering a copy of the summons and the complaint on U.S. Attorney Jennifer Lowery at U.S. Attorney's Office Southern District of Texas 1000 Louisiana, Ste. 2300, Houston, Travis County, Texas, 77002.

**AND**

2.6.2 Sending a copy of each by registered or certified mail to Attorney General Merrick B. Garland, U.S. Department of Justice 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

**AND**

2.6.3 Sending a copy of each by registered or certified mail to United States Drug Enforcement Agency 600 Army Navy Dr, Arlington, VA 22202 Attorney General Merrick B. Garland, U.S. Department of Justice 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

**2.6.4 PURSUANT TO RULE 4(d) FRCP, “NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS” is being sent to the Defendant.**

**2.7 Defendant CITY OF CORPUS CHRISTI POLICE DEPARTMENT** is an agency or department of the City of Corpus Christi and may be served with process by serving the City Secretary of the City of Corpus Christi, Ms. Rebecca Huerta at City Hall located at 1201

Leopard St., Corpus Christi, Nueces County, Texas 78401 and its chief administrative officer, Chief Mike Markle, at Corpus Christi Police Department 321 John Sartain St., Corpus Christi, Nueces County, Texas 78401.

**2.7.1 PURSUANT TO RULE 4(d) FRCP, “NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS” is being sent to the Defendant.**

**2.8 Defendant CITY OF CORPUS** is a Texas Municipality and/or Political Subdivision located in Nueces County, Texas and may be served with citation pursuant to FRCP 4(j)(B) by serving its City Secretary, Ms. Rebecca Huerta at City Hall located at 1201 Leopard St., Corpus Christi, Nueces County, Texas 78401.

**2.8.1 PURSUANT TO RULE 4(d) FRCP, “NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS” is being sent to the Defendant.**

**2.9 Defendants *SEVEN OR MORE UNKNOWN NAMED AGENTS, MARSHALS, OFFICERS AND/OR POLICE OFFICERS* OF UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES MARSHALS SERVICE, UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION and/or CITY OF CORPUS CHRISTI** specific names and whereabouts are unknown at this time, but because that information is in the possession of one or more of the governmental entities, agencies and/or departments, they are being served in their official capacities by service of this summons on the governmental entities, agencies and/or departments as required by FRCP 4(i)(2). Once their identities are determined, they will be served pursuant to FRCP 4(e), if necessary.

**2.9.1 PURSUANT TO RULE 4(d) FRCP, “NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS” is being sent to the Defendant.**

### **3. JURISDICTION AND VENUE**

3.1 This Court has jurisdiction over this suit under 28 U.S.C. §1346(b) (Federal Tort Claims Act), and/or 42 U.S.C. § 1983 (Civil Rights violations State Actors), and 28 U.S.C. §1331 (Federal question jurisdiction – Bivens Claims) and 28 U.S.C. §1367 (Supplemental jurisdiction aka pendent jurisdiction)

3.3 Venue is proper in the Corpus Christi Division of the Southern District of Texas pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claim occurred in Nueces County, Texas, which is in the Corpus Christi Division of the Southern District of Texas.

### **4. DAMAGES**

4.1 **Plaintiff JOE GONZALES** seeks monetary damages in excess of \$1,000,000.00:

4.1.1 Reasonable and necessary medical care and expenses in the past.

4.1.2 Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;

4.1.3 Physical pain in the past;

4.1.4 Physical pain, which, in all reasonable probability, will be suffered in the future;

4.1.5 Mental anguish in the past;

4.1.6 Mental anguish, which, in all reasonable probability, will be suffered in the future;

4.1.7 Physical impairment in the past;

4.1.8 Physical impairment, which, in all reasonable probability, will be suffered in the future;



4.1.9 Loss of wages/wage earning capacity in the past;

4.1.10 Loss of wages/wage earning capacity in the future;

4.1.11 Loss of enjoyment of life in the past;

4.1.12 Loss of enjoyment of life, which, in all reasonable probability, will be sustained in the future.

4.2 **Plaintiff DIANE C. GONZALES** seeks monetary damages in excess of \$250,000.00 for:

4.2.1 Loss of consortium in the past;

4.2.2 Loss of consortium, which, in all reasonable probability, will be sustained in the future.

#### **5. PUNITIVE DAMAGES**

5.1 Plaintiffs both seek punitive damages to deter future conduct, if the conduct of any Defendant rises to the level required by law, in an amount within the jurisdictional limits of this Court.

#### **6. ATTORNEY'S FEES**

6.1 If either Plaintiff prevails in this action, by settlement or otherwise, Plaintiff(s) is entitled to and hereby demands attorney's fees under 42 U.S.C. §1988.

#### **7. JURY DEMAND**

7.1 Plaintiffs respectfully request a jury trial in this matter and submit the fee to the Clerk of the Court.

#### **8. PRAYER**

8.1 **WHEREFORE, PREMISES CONSIDERED,** Plaintiffs pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment

be entered for the Plaintiffs against the Defendants, for Plaintiff Joe Gonzales in excess of \$1,000,000.00 for his actual damages; for Plaintiff Diane C. Gonzales in an amount in excess of \$250,000.00, punitive damages in an amount within the jurisdictional limits of this Court, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

**WEBB, CASON & MANNING**

710 N. Mesquite St.

Corpus Christi, Texas 78401

(361) 887.1031 Office

(210) 800.9957 Fax

[ServicePLB@PBeamLaw.com](mailto:ServicePLB@PBeamLaw.com) Service EMail

**By: /s/ PATRICK L. BEAM**

Patrick L. Beam

State Bar No. 01955560 – Fed. Ad. No. 7939

**ATTORNEY FOR PLAINTIFFS**